PARK FACILITIES & PLAZA USE POLICY OVERVIEW & COMPARISON

U.S. CITIES & COUNTIES WITH RELEVANT LEGAL CHALLENGES

City	Permit Requirements
Chicago, IL	Chicago Park District Code ch. 7 provides permit requirements, application procedures and requirements, processing procedures, and waiver and appeal procedures.
	Code provides: Events with more than 50 people require a permit. Exhibits, circuses, concerts, radio/television broadcasts require a permit. Amplified sound requires a permit. Stationing tents, canopies, platforms or other structures requires a permit. Distribution of commercial advertising requires a permit.
	Applications: requires indemnification, insurance, and security deposit in a reasonable amount, based on nature of activity and risk involved.
	Notice of denial: must be provided to applicant and shall set forth grounds for denial together with proposed measures to cure defects.
	Appeals: must be received within 7 days of denial; goes to Parks General Superintendent.
	See Thomas v. Chicago Park District, 534 U.S. 316, 122 S.Ct. 775 (2002). Ordinance sufficiently limited licensing official's discretion; Ordinance is content-neutral; 50 person permit requirement promotes legitimate public purposes.
Oklahoma City, OK	Oklahoma City Municipal Code ch. 38 provides park rules and regulations.
	Code provides: Park Director is authorized to "issue permits under guidelines set by the Park Commission applicable to their jurisdiction and according to their functions as set out in the code."
	From 1:00 p.m. to 5:00 a.m. any individual holding a valid permit regulated by ch. 38, and actually engaged in the permitted activity, shall be allow to remain in any park. Camping permitted only within designated areas. Camping defined as, "temporary shelter erected for lodging."
	See Isbell v. City of Oklahoma City, OK, 2011 WL 6152852. Camping restriction was not content-based, nor was it applied to Occupy protesters because of their message. City did not ban camping everywhere, and the

	ordinance did not prevent the erection of symbolic tents during normal business hours, thus alternative channels for communication were available. Closing park overnight was not an unreasonable time, place and manner restriction. Court found that Occupy group desired favored treatment not previously extended to any other group.
Fresno County, CA	Fresno County Code of Ordinances ch. 13.20 regulates roads, parks, other public places. Code defines "public meeting" as an assemblage of ten or more persons by prearrangement or common design. Public meetings require a permit. Loitering or being in park between midnight and 6:00 a.m. is prohibited. Permit required to "camp or lodge" in parks. Permit required for the distribution of handbills. *See Occupy Fresno v. County of Fresno,* 2011 WL 6182325. Court ruled group of 10 people not large enough to constitute a threat to the safety and convenience of park users, ban on distributing handbills was not narrowly tailored, ordinances prohibiting camping and being in park overnight were content-neutral, valid restrictions.
Fort Myers, FL	Fort Myers Code of Ordinances §§ 2, 58 regulates park and recreation facilities and creates a special events advisory board. Code prohibits setting up "tents or shacks" for overnight camping. No person shall live in a park beyond closing hours. Normal park hours are 6:00 a.m. to 10:30 p.m. unless otherwise posted, recreation manager may extend hours as necessary "to accommodate sports events or cultural or civic activities." Special events advisory board is created to recommend special events based on a scale of merit, and to recommend regulations. *See Occupy Ft. Myers v. City of Ft. Myers,* 2011 WL 5554034. Special events advisory board was facially invalid, its very purpose was to make content-based recommendations to the city council; ordinance allowing recreation manager to make accommodations by extending park hours was overbroad; ordinance prohibiting overnight camping or living in parks was not unconstitutionally vague, there was no risk of arbitrary application.